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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

China, Cuba, Mexico and Senegal (on behalf of the African Group): draft resolution

1998/.. Racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights

Reaffirming the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination, and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming further its resolution 1996/21 of 19 April 1996 and recalling General Assembly resolutions 51/79 of 12 December 1996, 52/109 and 52/111 of 12 December 1997 as well as resolution 1996/8 of 23 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as

apartheid, or resulting from official doctrines of racial superiority of exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Recalling the recommendations of the two World Conferences to Combat Racism and Racial Discrimination, held in Geneva in 1978 and 1983,

Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), which calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance persist and are even growing in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Reaffirming, in this regard, the responsibility of Governments for safeguarding and protecting the rights of individuals residing in their territory against crimes perpetrated by racist or xenophobic individuals or groups,

Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Noting the report of the intergovernmental working group of experts on the human rights of migrants, (E/CN.4/1998/76),

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat

Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be victims of varied forms of racism and racial discrimination,

Noting also with grave concern that despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Deeply concerned that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Reaffirming that impunity for crimes motivated by racist and xenophobic attitudes contributes to the weakening of the rule of law and tends to encourage the recurrence of such crimes,

Noting General Assembly resolution 48/91 of 20 December 1993, in which the Assembly proclaimed the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and adopted the Programme of Action proposed for the Third Decade,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1998/79),

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Underlining the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

Noting General Assembly resolution 52/111 by which the Assembly decided to convene a world conference against racism and racial discrimination, xenophobia and related intolerance, to be held not later than the year 2001,

Noting also that the Assembly in the same resolution decided that the Commission on Human Rights will serve as the Preparatory Committee for the Conference,

Considering that the World Conference should be action-oriented and aimed at the eradication of contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

I

General

1. Expresses its profound concern and unequivocal condemnation of all forms of racism and racial discrimination, including related acts of racially motivated violence as well as all propaganda activities and organizations which attempt to justify or promote racism, racial discrimination and xenophobia and related intolerance in any form;

2. Declares that racism and racial discrimination are amongst the most serious violations of human rights in the contemporary world and must be combated by all available means;

3. Underlines the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

4. Expresses its deep concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

5. Calls upon all States to review and, where necessary, revise their immigration policies with a view to eliminating all discriminatory policies and practices against migrants, which are inconsistent with international human rights instruments;

6. Condemns all forms of racial discrimination and xenophobia as regards access to employment, vocational training, housing, schooling, health and access to social services;

7. Categorically condemns any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;

8. Urges Governments to take all necessary measures against incitement to racial hatred, including those through print, audio-visual or electronic media;

9. Calls upon all States, where appropriate, to strengthen their national legislation and institutions for the promotion of racial harmony and

notes the conclusions and recommendations of the Special Rapporteur in this regard, including those on the importance of integration of vulnerable groups in the mainstream societies;

10. Welcomes the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

11. Invites all Governments to take measures, where possible, to provide assistance and rehabilitation to victims of acts of racism, racial discrimination, xenophobia and related intolerance;

12. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

13. Takes note with interest of general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, in which the Committee concluded that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights, and recalled in article 5 of the Convention;

II

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

14. Takes note of the report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1998/77, and Add.1 and 2);

15. Regrets the continued lack of interest, support and financial resources for the Third Decade and the Programme of Action, and that very few of the activities planned for the period 1994-1997 were carried out;

16. Recognizes the laudable and generous efforts by donors that have made contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination, but feels that these financial contributions have proved inadequate and that the General Assembly should consider all ways and means of financing the Programme of Action, including through the United Nations regular budget;

17. Regrets that a detailed report on the financial and personnel resources required for the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination was not presented

at the fifty-second session of the General Assembly and urges the Secretary-General to submit the said report to the Assembly at its fifty-third session, and reiterates its request to the General Assembly to consider the possibility of providing the resources required for the implementation of the Programme of Action for the Third Decade;

18. Warmly calls upon all Governments, United Nations bodies, the specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to fully contribute to the effective implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;

19. Reiterates its request to the United Nations High Commissioner for Human Rights to take duly into account the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Office of the High Commissioner for Human Rights as a focal point for coordinating all the activities of the Third Decade before they are carried out by the United Nations;

20. Affirms its determination to combat violence stemming from intolerance on the basis of ethnicity which it also considers an issue of particular gravity;

21. Recommends that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, and to the training of law enforcement personnel, inter alia through the promotion of tolerance and respect for cultural diversity;

III

Follow-up activities

22. Welcomes the convening, in Geneva of two seminars, from 5 to 9 May 1997 on immigration, racism and racial discrimination and from 10 to 14 November 1997 on the role of the Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and takes note of the conclusions and recommendations contained in the reports of the seminars (E/CN.4/1998/77/Add.1 and 2);

23. Also welcomes the Cotonou Seminar of June 1997 and work of the Council of Europe in combating racism, racial discrimination and related intolerance;

24. Invites States to ensure that the competence of their institutions which deal with the promotion and protection of human rights encompasses issues linked to the struggle against racism and racial discrimination, and to promote cooperation, understanding and the exchange of experiences among them;

IV

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

25. Takes note of the report of the Special Rapporteur (E/CN.4/1998/79);

26. Expresses its full support and appreciation for the work of the Special Rapporteur and for its continuation;

27. Requests the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

28. Calls upon all Governments, intergovernmental organizations and other relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

29. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance;

30. Requests the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

31. Commends those States that have so far invited and received the Special Rapporteur;

32. Invites the Governments of the States so far visited to consider ways to implement the recommendations contained in the reports of the Special Rapporteur and requests the Special Rapporteur to include in his report to the Commission at its fifty-fifth session, under the same agenda item, information on the measures taken to implement these recommendations, and to undertake follow-up visits, if necessary;

33. Notes with concern the increase in the use of new technologies in communications, in particular the Internet, to disseminate racist ideas and incite racial hatred;

34. Notes that the use of such technology can contribute to combating racism, racial discrimination, xenophobia and related intolerance;

35. Requests the High Commissioner for Human Rights to undertake research and consultations on the use of the Internet for purposes of incitement to racial hatred, racist propaganda and xenophobia and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-Semitism;

36. Urges the High Commissioner for Human Rights to provide those countries which were visited by the Special Rapporteur, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

IV

International Convention on the Elimination of All Forms of Racial Discrimination

37. Appeals to those States that have not yet done so to consider ratifying or acceding to the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education, and calls upon the States that have done so to implement them;

38. Recommends that the issue of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination as well as the reservations thereto and the question of the recognition of the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints be considered at the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance;

39. Calls upon States parties that have not submitted initial or periodic reports in accordance with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination to do so;

40. Urges States to limit the extent of any reservations they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination and to formulate any reservation as precisely and as

narrowly as possible, while ensuring that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law;

41. Calls upon States parties to the Convention, as appropriate, to adopt immediately positive measures aimed at the elimination of all forms of racial discrimination, xenophobia and related intolerance;

42. Requests the States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

V

World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance

43. Takes note of the decision of the fifth Committee of the General Assembly that the preparatory process for the World Conference would include Preparatory Committee meetings for a period of five working days each immediately prior to the session of the Commission on Human Rights in the years 2000 and 2001;

44. Decides to create an open-ended working group of the Commission to meet during the fifty-fifth session in order to review and formulate proposals for consideration by the Commission and possible forwarding to the Preparatory Committee at its first session;

45. Recommends to the General Assembly to request the Secretary-General to designate the United Nations High Commissioner for Human Rights as Secretary-General of the World Conference who, in that capacity, will assume the main responsibility for the preparations for the Conference;

46. Invites the Secretary-General of the World Conference to carry out consultations with States aimed at determining the date and venue for the Conference and to report to the Preparatory Committee on the results;

47. Invites the United Nations High Commissioner for Human Rights to devise and implement, with the Department of Public Information of the Secretariat, a world information campaign aimed at sensitizing world public opinion on the importance and objectives of the Conference, to publish in all the official languages an information pamphlet to be made available to non-governmental organizations, the media and the general public, and to inform the Preparatory Committee of developments in this regard;

48. Invites States and regional organizations to set up at the national or regional level a coordination structure responsible for launching and promoting preparations for the World Conference, and especially for sensitizing national public opinion on the importance and objectives of the Conference;

49. Urges the High Commissioner for Human Rights to help States and regional organizations to convene national and regional meetings or undertake other initiatives, including at the expert level, to prepare for the World Conference, and requests the regional preparatory meetings to present to the Preparatory Committee, through the High Commissioner, reports on the results of their deliberations, with concrete and pragmatic recommendations aimed at combating racism, racial discrimination, xenophobia and related intolerance, which will be duly reflected in texts of the draft final documents by the Preparatory Committee of the World Conference;

50. Invites non-governmental organizations to participate fully, in accordance with the rules of procedure of the Economic and Social Council, in the preparatory process, and, in accordance with the objectives of the Conference and based on their experience, to make concrete proposals regarding actions to be undertaken in future, directly or working with Governments, aimed at the fight against the scourge of racism, and to submit their recommendations in this regard to the Preparatory Committee through the High Commissioner;

51. Invites the Committee on the Elimination of Racial Discrimination to give high priority to the preparatory process for the World Conference and to present to the Commission at its fifty-fifth session and to the Preparatory Committee its contribution to the objectives of the Conference, including undertaking a series of studies, and to participate actively in the preparatory process and at the Conference itself;

52. Invites the Sub-Commission for the Prevention of Discrimination and Protection of Minorities to carry out studies without delay, within the framework of the objectives laid down in General Assembly resolution 52/111, and to transmit its recommendations to the Commission at its fifty-fifth session and to the Preparatory Committee through the Commission on Human Rights;

53. Invites the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, beginning with his

report to the Commission at its fifty-fifth session, to draw on his extensive field experience, knowledge and studies to contribute to the work of the Preparatory Committee, including by identifying major issues to be considered within the framework of the objectives of the Conference;

54. Invites the relevant bodies and mechanisms of the United Nations, the specialized agencies and regional and international organizations to contribute effectively to the preparatory process for the Conference and to forward their recommendations to the Preparatory Committee, through the High Commissioner;

55. Invites the United Nations High Commissioner for Human Rights to submit to the Commission at its fifty-fifth session, within existing financial resources, a preliminary analytical study on the objectives of the World Conference as identified by the General Assembly;

56. Requests the United Nations High Commissioner for Human Rights to inform the Preparatory Committee of the steps taken to prepare the World Conference;

57. Invites the High Commissioner for Human Rights to submit to the Commission at its fifty-fifth session and to the Preparatory Committee at its first session, a compendium of references to publications and other works by experts and United Nations, regional and other bodies on the fight against racism, racial discrimination, xenophobia and related intolerance;

58. Recommends to the General Assembly to declare the year 2001 a year of mobilization against racism, racial discrimination, xenophobia and related intolerance aimed at drawing the world's attention to the objectives of the World Conference and to give new momentum to the political commitment;

59. Recommends that the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination be focused towards the preparatory process for the World Conference and, in this regard, recommends that the High Commissioner for Human Rights organize symposiums, seminars and worldwide consultations in 1998, 1999, 2000 and 2001 on racism, racial discrimination, xenophobia and related intolerance;

60. Recommends that the World Conference result in a declaration and a programme of action to combat racism, racial discrimination, xenophobia and related intolerance;

61. Stresses the importance of taking systematically into account a gender perspective throughout the preparations for and the outcome of the World Conference;

62. Requests the Secretary-General to submit a report to the Commission at its fifty-fifth session on the implementation of the present resolution under the agenda item entitled "Racism, racial discrimination, xenophobia and related intolerance";

63. Decides to continue its consideration of the question at its fifty-fifth session under the agenda item entitled "Racism, racial discrimination, xenophobia and related intolerance".